

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/23/2023

KEVIN YAN LUIS, on behalf of himself and all others  
similarly situated,

Plaintiff,

-against-

ANCESTRAL SUPPLEMENTS, LLC,

Defendant.

1:22-cv-8582-MKV

ORDER OF DISMISSAL

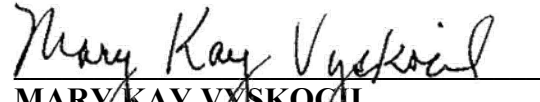
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on October 7, 2022. [ECF No. 1]. An Affidavit of service of summons and complaint was filed on the docket on December 8, 2022. [ECF No. 5]. According to that summons, Defendant's response to the complaint was due December 19, 2022. [ECF No. 4]. When no response was timely filed, and Plaintiff failed to prosecute his case, the Court ordered Plaintiff to file a letter by January 18, 2023 showing cause why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. [ECF No. 6]. To date, no letter has been filed.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by February 23, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

**Date: January 23, 2023**  
**New York, NY**

  
**MARY KAY VYSKOČIL**  
**United States District Judge**